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Attorneys for Defendants
John Rynhart
Lyle Thomas

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Michael Izell Seals,

Plaintiff,

v.

Officer Rodney K. Mitchell, et al.

Defendants.

CASE NO. C-04-3764 NJV

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER REQUESTING AN EXTENSION OF
TIME FOR NON-EXPERT AND EXPERT
DISCOVERY**

1 Defendants John Rynhart and Lyle Thomas and Plaintiff Michael Izell Seals submit this
 2 Joint Stipulation and [Proposed] Order Requesting an Extension of Time for Non-Expert and
 3 Expert Discovery. Under the Court's Case Management and Pre-Trial Order of July 21, 2010,
 4 Document #128, all non-expert discovery is to be completed by October 29, 2010, experts shall
 5 be disclosed by December 3, 2010, and rebuttal experts shall be disclosed by January 14, 2011.
 6 Pursuant to Local Rule 6-3, the parties jointly request that the Court enter an order changing
 7 certain dates for non-expert and expert discovery fixed by the Court's Case Management and
 8 Pre-Trial Order of July 21, 2010.

9 Because certain non-expert discovery cannot be completed in this timeframe, the parties
 10 met and conferred on October 26, 28 and 29, 2010 to discuss the discovery schedule. The parties
 11 agree that the most effective and efficient course would be to extend the non-expert and expert
 12 discovery deadlines in this case as follows:

13 -All non-expert discovery shall be completed by Wednesday, December 8, 2010.

14 -Experts shall be disclosed by Monday, December 20, 2010.

15 -Rebuttal experts shall be disclosed by Wednesday, January 19, 2011.

16 The parties further agree and stipulate that the extension of the non-expert discovery
 17 deadline to December 8, 2010 will be for the limited purpose of completing discovery, including
 18 depositions, related to the following five witnesses identified in Defendants' Third Supplemental
 19 Disclosures: Officer Raymond Brady, Officer McDonald, Charlie Diener, Dave Perkins, and Joe
 20 Hughes.

21 At this time, the parties do not expect that the requested extensions of time will impact
 22 other aspects of the Court's pre-trial scheduling order or the schedule going forward for trial.
 23 Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 6-3, there is good
 24 cause to grant this motion.

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Ashley Bauer

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1 Dated: October 29, 2010

LATHAM & WATKINS LLP

Al Pfeiffer

Ashley Bauer

Meghna Subramanian

By /s/ Meghna Subramanian

Meghna Subramanian

Attorney for Plaintiff

Michael Izell Seals

7 Dated: October 29, 2010

JONES & DYER

Mark A. Jones

Kristen K. Preston

By 

Mark A. Jones

Attorney for Defendants

John Rynhart

Lyle Thomas

ORDER

The Court having considered the foregoing stipulation of the parties, and good cause appearing, the Court hereby orders that the deadline for all non-expert discovery is extended to December 8, 2010 for the limited purpose of completing discovery and depositions as to the five new witnesses disclosed in Defendants' Third Supplemental Disclosure, experts shall be disclosed by Monday, December 20, 2010, rebuttal experts shall be disclosed by Wednesday, January 19, 2011.

IT IS SO ORDERED.

Dated: 11/1/2010

/s/ Nandor J. Vadas
HON. NANDOR J. VADAS
United States Magistrate Judge